<div style="text-align: center;"><u>REMARKS</u></div>

<u>Status of the Claims</u>

Claims 1-5, 7-13, and 15-23 are pending in the application, Claims 6 and 14 having previously been canceled, Claim 13 having been amended to correct a punctuation error, and Claims 3 and 23 having been amended to correct typographical errors.

<u>Brief Summary of Telephone Interview</u>

On August 08, 2006, applicants' attorney discussed the current Office Action with Examiner Vaughn during a telephone interview. Applicants' attorney appreciates Examiner Vaughn's willingness to explain his position in applying the Russo Borland reference ("Running Microsoft Word 97," published by Microsoft Press, Redmond, Washington 1997, hereinafter referred to as "Borland") in rejecting applicants' claims, with the intent of advancing the prosecution of the case.

Applicants' attorney indicated that she wanted to point out what she considered the distinguishing features of the claimed subject matter over Borland to be and determine if the Examiner would be open to considering these differences as distinguishing over the cited reference. The discussion focused on the recitation in applicants' independent Claim 1, first step, as follows: "… the format set including at least one font set and at least one color set, each font set including a plurality of fonts defining a font theme…," as illustrated by an example provided in applicants' specification in connection with FIGURE 1A. This recitation is believed to distinguish over the cited Borland reference. Based on a review of the Examiner's Response to Arguments from the Office Action dated May 30, 2006, it appears that the Examiner may perceive the font controls of FIGURE 2-5 on page 43 of Borland and more specifically, the list of fonts such as "Stop," Symbol," "Tahoma," and "Times," to be equivalent to applicants' recited "at least one font set." Applicants' attorney then noted that independent Claim 1 recites that each font set includes a plurality of fonts defining a font theme, but that Borland's fonts in the font set of Figure 2-5 on page 43 do not define a font theme.

In addition, applicants' attorney noted that the Examiner may perceive that the list of styles on page 60 discloses a font theme, because of the naming of the various styles with theme related names such as "List Number," and List Number 2." But applicants' attorney also noted that the claim recitation references a "format set," but Borland does not appear to teach any equivalent of a format set.

Examiner Vaughn inquired as to how the claimed subject matter differed from the Borland reference in an overall sense. He also inquired if FIGURE 2, in addition to the example provided in

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connection with FIGURE 1A by applicants' attorney, was also an example of the claimed subject matter. Examiner Vaughn also pointed to the "All styles" under the heading of "List" on page 60 of Borland as being the equivalent of some of applicants' claim recitation elements. In order to advance the prosecution of the case as much as possible in this response, applicants' attorney has responded to the Examiner's inquiries below, under the section entitled, "Patentability of Independent Claim 1" and respectfully directs the Examiner's attention to this section of this response.

Although no agreement was reached, applicants' attorney indicated that she wanted to provide the above arguments in greater detail, along with examples, in this response to the current Office Action, in order to clarify how the claimed subject matter distinguishes over Borland. Applicants' attorney also requested that Examiner Vaughn telephone applicants' attorney, if after his review of this response, he believes that any amendment to the claims might make the claims allowable.

Applicants' attorney would like to again thank Examiner Vaughn for his time and willingness to discuss these issues during the telephone interview.

Claims Rejected under 35 U.S.C. § 103(a)

Claims 1-5, 7-13, and 15-23 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Borland in view of Parker et al., U.S. Patent No. RE 36,704, filed 11/16/1995, issued 5/16/2000 (hereinafter referred to as "Parker"). Applicants respectfully disagree with this rejection for the following reasons.

In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses on independent Claims 1, 13, and 22. The patentability of each remaining dependent claim is not necessarily separately addressed in detail. However, applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the Examiner's conclusion that these dependent claims are not patentable over the disclosure in the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicants concur with the Examiner's interpretation and assertions regarding those claims. Indeed, applicants believe that all of the dependent claims are patentable over the cited references. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

Patentability of Independent Claim 1

Significant differences exist between the claim recitation and the cited art because the cited art does NOT teach or suggest, "each font set including a plurality of fonts **defining a font theme**," as recited in this claim. Before discussing this claim language in regard to Borland, it may be helpful to briefly explain one of the novel features of the claimed subject matter. Applicants' specification explains how application programs that enable the user to define "styles" can either go undiscovered by a typical layman user, or if discovered, can be confusing to a typical layman user, and also explains how style tags can be difficult to modify for a layman user (see applicant's specification, page 1, lines 18-26). The specification also explains how a layman user lacks the training to create professional looking documents from scratch (see applicants' specification, page 1, lines 27-29). Further, templates that are tied to a theme, such as a birthday template or a garage sale template, can be rigid and unyielding to modification by a layman user (see applicants' specification, page 2, lines 3-11). Thus, the specification explains how there is a need for a tool for formatting a document according to a constrained range of formatting choices but which is not tied to a predetermined theme (see applicants' specification, page 2, lines 12-15). The subject matter of Claim 1 is directed to this novel feature, because the claim generally recites that a sample of formats comprising a plurality of formats from a format set is determined and that the format set includes at least one font set, and each font set includes a plurality of fonts defining a font theme. Further, the claim indicates that the portion of text within the document that is to be reformatted is identified and for each format included in the sample of formats, the portion of text is reformatted with the format.

It may also be helpful to summarize an example from the specification that illustrates the steps of applicants' Claim 1. The first step of this claim recites:

> determining a sample of formats comprising a plurality of formats from a format set, the format set including at least one font set and at least one color set, each font set including a plurality of fonts defining a font theme, and each of the formats from the plurality of formats including a format font name, a format font color, and a format font size

In a first example, FIGURE 1A illustrates an interface of a word processing program module incorporating an exemplary integrated formatting tool of the present invention for **reformatting the entire document 114**, and so illustrates many of the elements of the recitation in this claim. A sample of formats is shown in FIGURE 1A as a color sample 110 and a text sample 112. A format

set such as "Curly-Q Ocean" is shown in preview window 108. The "Curly-Q Ocean" format set includes font set 104 "Curly-Q" and color set 106 "Ocean" (see applicants' specification, page 6, lines 24-25). In addition, applicants' specification, states:

> As an example of the fuzzy matching method, in reformatting the document **114** of FIG. 1, a determination may be made as to which of the formats included within the *Curly-Q Ocean* format set most closely matched the original format (*NewZurica*, forty-eight point, orange) of the title **116**. Some of the predetermined formats included in the *Curly-Q Ocean* format set are: <u>(*Curlz MT*, forty-eight point, midnight teal), (*Curlz MT*, twenty-six point, medium green), (*Curlz MT*, twenty-two point, green), (*Curlz MT*, fourteen point, midnight teal), (*Curlz MT*, seventeen point, green), (*Tempus Sans ITC*, twelve point, automatic), (*Curlz MT*, eleven point, midnight teal), (*Tempus Sans ITC*, ten point, automatic), (*Tempus Sans ITC*, ten point, medium green), (*Tempus Sans ITC*, ten point, turquoise) and (*Tempus Sans ITC*, nine point, green).</u> It may be seen that none of the above-listed formats from the *Curly-Q Ocean* format set define a font color of orange or a font face of *NewZurica* and only one format defines a font size of forty-eight points. Thus, a weighting ranking based on matching font color, font face and font size may lead to the conclusion that the format (*Curlz MT*, forty-eight point, midnight teal) from the *Curly-Q Ocean* format set most closely matches the original format (*NewZurica*, forty-eight point, orange) of the title **116**. Accordingly, the reformatted title **116'** shown in FIG. 1B is displayed in a forty-eight point *Curlz MT* font having a color of midnight teal. Further details regarding exemplary embodiments of the fuzzy matching method will be described below. (Emphasis added, applicants' specification, page 7, line 19-page 8, line 5.)

This paragraph gives an example of applicants' claim recitation regarding the plurality of formats in an exemplary *Curly-Q Ocean* format set. As shown by the underlined portion above, there are 11 formats in this format set. The format discussed in this portion of applicants' specification "(*Curlz MT*, forty-eight point, midnight teal)" is an example of applicants' claim recitation of: a format font name, i.e., "Curlz-MT"; a format font color, i.e., "midnight teal"; and, a format font size, i.e., "forty-eight point." The Examiner should understand that these 11 formats are thus an example of applicants' claim recitation of a "format set" that is named *"Curly-Q Ocean."* Thus, the font set called "Curly-Q" is a set that includes a plurality of fonts, such as *"Curlz MT*, forty-eight point," *"Curlz MT*, fourteen point," and *"Tempus Sans ITC*, ten point." These plurality of fonts define a font theme. The specification explains that "[A] font set comprises a number of fonts which tend to work well within a given theme. By way of illustration, a font set labeled 'hefty' may include heavier fonts and other fonts that work well with the heavier fonts. For example, the 'hefty' font set may comprise

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various sizes of the font *Rockwell Extra Bold* and the font *Lucida Sans*" (see applicants'
specification, page 4, lines 19-29). Thus, it can be inferred that a font set called "Curly-Q" in the
above example is so named because the fonts "Curlz MT" and "Tempus Sans ITC" are not heavier
fonts and perhaps indicate a water or ocean font theme (with waves). Likewise, the color set called
"Ocean" is also a set that includes the colors midnight teal, medium green, green, automatic, and
turquoise. It is from this plurality of 11 formats (in this example) that a sample of formats is
determined, and this step corresponds to applicants' claim recitation (as shown in FIGURE 1A, in
text sample 112, and color sample 110). In addition, each of the plurality of formats include a format
font name, a format font color and a format font size (e.g., *Curlz MT*, midnight teal, and forty-eight
point, or *Tempus Sans ITC*, turquoise, ten point (see applicants' specification, page 7, lines 23-29)).

In a second example, FIGURE 2 illustrates an exemplary live preview interface of an
exemplary integrated formatting tool of the present invention for **reformatting an individual item** in
document 114 (as opposed to reformatting the entire document as shown in FIGURE 1A) and also
illustrates some of the elements of the first step recited in Claim 1. The specification explains that the
live preview text 205 comprising the words "Sed Diam" is displayed in several sample formats (see
applicants' specification, page 8, lines 31-32). There is also a control for selection of a font set 104
and color set 106 (see applicants' specification, page 8, lines 21-24).

In contrast to applicants' claim recitation, Boland does NOT teach or suggest that each font
set includes a plurality of fonts defining a font theme but instead, provides a list of individual fonts
that are not categorized as belonging to a theme.

Under the section of the Office Action entitled, "Response to Arguments," the Examiner
asserts that Borland discloses the format set because Borland shows the style feature of Word '97 in
the figure on page 60, and the Examiner concludes that these styles are a format set. In addition, the
Examiner notes that since applicants have defined the format set as "at least one font set and at least
one color set," Borland discloses that the styles (e.g., format set) are related to at least one font set
and at least one color set in Figure 2.5 on page 43. The Examiner also notes that the modify button in
the figure on page 60 would provide access to the font controls.

The Examiner thus asserts that the list of styles under the heading of "Styles" on page 60, the
list of fonts in the upper left hand corner of FIGURE 2-5, and a list of colors produced by activating
the drop down menu labeled "Color" in the middle of FIGURE 2-5 are equivalent to applicants'

format set, font set, and color set, respectively. Assuming, for the sake of argument, that the Examiner's assertions were true, Borland still **_fails to disclose or suggest_** that the list of fonts (i.e., a font set) includes a plurality of fonts **_defining a font theme_**.

Under the section of the Office Action entitled "Response to Arguments," the Examiner has asserted that Borland's figure on page 60 discloses a font theme because the various styles are shown in the box under the heading "Styles" and that the naming of various styles with theme related names is shown, such as "List Number," "List Number 2," "List Number 3," etc. Assuming for the sake of argument that the Examiner's assertions were true, Claim 1 also recites a format set that includes at least one font set and at least one color set. Yet, Borland does not teach or suggest any equivalent of a format set. The claim also recites that the sample of formats comprises a plurality of formats from the format set. However, Borland does not teach any equivalent of a sample of formats comprising a plurality of formats from the format set.

During the interview, the Examiner also indicated the "All Styles" in Box 4 under the heading of "List" on pg. 60 of Borland can be viewed as an equivalent to some of applicants' claim recitation elements. However, applicants' attorney has tried activating the drop down menu of Box 4 in a working copy of the software application, Word 97™. This test reveals that the menu list of Box 4 includes the headings: "All styles," "Styles in Use," and "user-defined styles." It appears that Box 4 thus shows all of the styles in the box above it (the box under the heading "Styles") if the first heading is selected, or will show the current styles in use in the box above it, if the second heading is selected, or will show all user defined styles in the box above it, if the last heading is selected. Even assuming for the sake of argument that "All Styles" is equivalent to a format set, to meet the requirements of applicants' claim recitation, "All Styles" must include at least one font set, and each font set has to include a plurality of fonts defining a font theme. Assuming that a list of styles such as "List Bullet 4" and "List Bullet 5" are each a font set, Borland does not teach that the font set "List Bullet 4" includes a plurality of fonts defining a font theme. Thus, applicants respectfully disagree that this portion of Borland teaches all of the claimed recitation elements in independent Claim 1. Parker fails to correct the deficiencies of Borland in disclosing or suggesting the recitation of Claim 1.

Because dependent claims are considered to include all of the elements of the independent claims from which the dependent claims ultimately depend and because Borland in view of Parker

-11-

does not disclose or suggest all of the elements of independent Claim 1, the rejection of dependent Claims 2-5 and 7-12 under 35 U.S.C. § 103(a) over Borland and further in view of Parker should be withdrawn for at least the same reasons as the rejection of Claim 1.

Patentability of Independent Claim 13

Independent Claim 13 is directed towards a system for reformatting a previously formatted portion of document text. A portion of this claim, as amended, recites that the processor is further operable for:

> determining a sample of formats comprising a plurality of formats from the format set, the format set including at least one font set and at least one color set, each font set including a plurality of fonts defining a font theme, and each of the formats including a format font name, a format font color, and a format font size

The Examiner has rejected this claim under the same rationale as provided in his rejection of Claims 1 and 3. Since functions are included in this claim that are generally similar to the steps of independent Claim 1, for reasons similar to those presented above in connection with applicants' traverse of the rejection of independent Claim 1, independent Claim 13 also distinguishes over Borland and Parker, because the cited art does not teach or suggest each font set including a plurality of fonts **defining a font theme**. Accordingly, the rejection of independent Claim 13 under 35 U.S.C. § 103(a) over Borland and further in view of Parker should be withdrawn for the reasons given above.

Because dependent claims are considered to include all of the elements of the independent claims from which the dependent claims ultimately depend and because Borland in view of Parker does not disclose or suggest all of the elements of independent Claim 13, the rejection of dependent Claims 15-21 under 35 U.S.C. § 103(a) over Borland and further in view of Parker should be withdrawn for at least the same reasons as the rejection of Claim 13.

Patentability of Independent Claim 22

Independent Claim 22 is directed towards a user interface for reformatting a previously formatted portion of document text. A portion of this claim recites:

> a live preview window for simultaneously displaying a plurality of live preview text samples, each of the live preview text samples including at least a section of the previously formatted document text and presenting the section of the previously formatted document text in at least one of *a plurality of formats from a format set, wherein each format set is defined by a selected color set and a selected font set, each*

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font set including a plurality of fonts defining a font theme, wherein each of the formats comprises a format font name, a format font color, and a format font size. (Emphasis added.)

The Examiner has rejected this claim under the same rationale as his rejection of Claims 1 and 13. As indicated by the italic font portion above, since the first step recites functions generally similar to the steps of independent Claim 1, for reasons similar to those presented above in connection with applicants' traverse of the rejection of independent Claim 1, independent Claim 22 also distinguishes over Borland and Parker, because the cited art does not teach or suggest each font set including a plurality of fonts defining a font theme. Accordingly, the rejection of independent Claim 22 under 35 U.S.C. § 103(a) over Borland and further in view of Parker should be withdrawn for the reasons given above. Because dependent claims are considered to include all of the elements of the independent claims from which the dependent claims ultimately depend and because Borland in view of Parker does not disclose or suggest all of the elements of independent Claim 22, the rejection of dependent Claim 23 under 35 U.S.C. § 103(a) over Borland and further in view of Parker should be withdrawn for at least the same reasons as the rejection of Claim 22.

In view of the amendments and Remarks set forth above, it will be apparent that the claims in this application define a novel and non-obvious invention, and that the application is in condition for allowance and should be passed to issue without further delay. Should any further questions remain, the Examiner is invited to telephone applicants' attorney at the number listed below.

Respectfully submitted,

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-13-

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